

Appl. No. 10/632,187
Amdt. Dated September 21, 2006
Reply to Final Office Action of March 24, 2006
Page 9 of 11

REMARKS/ARGUMENTS

Claims 1-12 remain in the application.

Objections to Claims:

The Examiner has objected to claims 6-7 and 9 for informalities. Appropriate corrections have been made.

Claim Rejections under 35 USC § 112, 1st Paragraph:

The Examiner has rejected claims 1-12 under 35 USC § 112, 1st paragraph, because the specification while enabling for breast carcinoma, does not reasonably provide enablement for treatment of all malignant and benign oncoses. The scope of the presently claimed invention has been narrowed to be commensurate with the specification and thus, limited to mammary carcinoma (also known as breast carcinoma). See claims 1 through 12 (as amended).

Thus, Applicants respectfully submit that the rejection of claims 1-12 under 35 USC § 112, 1st paragraph is overcome and withdrawal thereof is requested.

Claim Rejections under 35 USC § 112, 2nd Paragraph:

The Examiner has rejected claims 5, 7, 8, 10, 11 and 12 under 35 USC § 112, 2nd paragraph, finding the claims to be indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In order to overcome the rejection, the applicant has narrowed the scope of the presently claimed invention to be commensurate with the specification and thus, limited to mammary carcinoma (also known as breast carcinoma). See claims 5, 7, 8, 10, 11 and 12 (as amended).

Thus, Applicants respectfully submit that the rejection of claims 5, 7, 8, 10, 11 and 12 under 35 USC § 112, 2nd paragraph is overcome and withdrawal thereof is requested.

LIBNY/4549885.1

Appl. No. 10/632,187
Amdt. Dated September 21, 2006
Reply to Final Office Action of March 24, 2006
Page 10 of 11

Claim Rejections under 35 USC § 103(a):

The Examiner rejected claim 1-12 under 35 USC § 103(a) as being unpatentable over Nickel et al. US 6,093,704 and Nickel et al., US 6,696,428 and Nössner et al., US 6,172,050 in view of Calabresi et al., Goodman & Gilman's, The Pharmacological Basis of Therapeutics, Ninth Edition. In view of the presently amended claims, the cited documents do not anticipate the invention. Calabresi et al. teach only a list of known anti-tumor agents for treatment of cancers or tumors, see Table X-1. Calabresi et al. does not teach the special combinations as explained in the invention. Calabresi et al. only teach that drugs are generally more effective in combination on page 1230. Specific combinations as disclosed in the present invention are not mentioned. Accordingly, the rejection of claims 1-12 under 35 U.S.C. § 103(a) are overcome and withdrawal thereof is respectfully requested.

Conclusion:

Based on the foregoing amendments and remarks, favorable consideration and allowance of all of the claims now present in the application are respectfully requested.

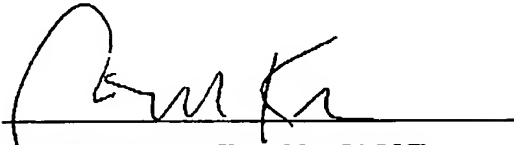
Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

LIBNY/4549885.1

Appl. No. 10/632,187
Amdt. Dated September 21, 2006
Reply to Final Office Action of March 24, 2006
Page 11 of 11

Respectfully submitted for Applicant,

A handwritten signature in black ink, appearing to read 'Ann-Marie Koss', is written over a horizontal line.

Ann-Marie Koss (Reg. No. 54,237)

GOODWIN PROCTER LLP

599 Lexington Avenue

New York, NY 10022

(212) 459-7434

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